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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

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7 ANDREW MALARSKI, et al.,
8 Plaintiffs,
9 v.
10 WASHINGTON HOSPITAL
11 HEALTHCARE SYSTEM, et al.,
12 Defendants.

Case No. [17-cv-04164-JD](#)

**ORDER CONDITIONALLY
DISMISSING CASE**

13 The Court is advised that the parties have settled. Dkt. No. 62. Consequently, the Court
14 vacates all pretrial deadlines and dismisses this case without prejudice. If any party certifies to the
15 Court within **45 days** from the date of this order that the agreed consideration for the settlement of
16 this action has not been delivered, this order will be vacated and the case will be set for a case
17 management conference. If no certification is filed, the dismissal will be deemed to be **with**
18 **prejudice** after the 45 days.

19 **The parties are directed not to ask the Court for a “dismissal with prejudice” at any**
20 **time after this order, or to ask for an order confirming dismissal under FRCP 41(a)(1).** No
21 Court order is necessary for dismissal under that rule.

22 **IT IS SO ORDERED.**

23 Dated: August 28, 2018

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27 JAMES DONATO
28 United States District Judge